

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.R.No.1311 of 1989

DATE OF ORDER: 29.1.2007

Smt Vidya Wanti

...Petitioner(s)

Versus

State of Haryana and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Jaswant Jain, Advocate.

Mr. G.C. Gupta, DAG, Punjab.

M.M. AGGARWAL,J

This is petition against order dated 24.11.1988 passed by Additional District Judge, Faridkot whereby memorandum of appeal was rejected as petitioner did not make up deficiency of court fee, which was required in a suit for recovery of Rs.4050/-.

The facts of the case are that the suit of the plaintiff, now petitioner was partly decreed by Sub Judge, Ist Class, Giddarbaha on 28.1.1986. Plaintiff being dissatisfied had filed appeal and in that appeal, Additional District Judge had directed the petitioner to pay court fee. Since that order was not complied, therefore this memorandum of appeal was

rejected.

On behalf of the petitioner, it is argued that necessity of filing the appeal arose since order dated 13.2.1984 of the Headmaster, respondent No.2 was not set aside by the trial Court and then the State had started recovery process. It was argued that maternity leave was granted but then recovery was sought to be effected since the maternity leave could not be given as it was third pregnancy of the petitioner.

I have gone through the order, which is detailed one. I do not find any good ground to interfere at this stage.

Dismissed.

January 29, 2007
manoj

(M.M. AGGARWAL)
JUDGE